

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CLARENCE D. JOHNSON, JR.,)
)
Plaintiff,)
v.) Civil No. 21-135
)
JOHN PAUL FRANCIS, JOE BIDEN,)
DONALD TRUMP, PRESIDENT)
BARAK OBAMA, QUEEN)
ELIZABETH, UNITED NATIONS,)
COVID-19, CDC CRIMES, LOCAL)
#100 SHEET METAL WORKERS)
)
Defendants.)

MEMORANDUM OPINION

Clarence D. Johnson, Jr. commenced this proceeding by filing a motion to proceed *in forma pauperis* and attaching to it a Complaint seeking to establish a violation of a federal statute and international law by John Paul Francis, Joe Biden, Donald Trump, President Barak Obama, Queen Elizabeth, United Nations, COVID-19, CDC Crimes, and Local #100 Sheet Metal Workers. ECF No. 1-1, 1, 6, 14. He also alleges that these Defendants are involved in violation of the Federal Communications Commission's extortion and media laws as well as constitutional crimes, violations of foreign policy guidelines, and medical crimes. ECF No. 1-1, 3, 12. Mr. Johnson also alleges violations of employment law, business law, Environmental Protection Agency law, Occupational Safety and Health Administration law, and other "environmental crimes." ECF No. 1-1, 4, 13. He also makes allegations of identity theft and insurance fraud by the Biden, Trump, and Obama Presidential Administrations. ECF No. 1-1, 5, 11. Rather than

stating any facts related to these allegations, Mr. Johnson directs the Court to contact Federal Bureau of Investigation Agent Byers and lists a telephone number. ECF No. 1-1, 10, 18.

The United States Court of Appeals for the Third Circuit has instructed the district courts to utilize a two-step analysis to determine whether to direct service of a complaint where the plaintiff seeks to proceed *in forma pauperis*. *Roman v. Jeffes*, 904 F.2d 192, 194 n.1 (3d Cir. 1990). First, the court must determine whether the litigant is indigent within the meaning of 28 U.S.C. § 1915(a). The Court finds Plaintiff to be without sufficient funds to pay the required filing fee. Thus, he will be granted leave to proceed *in forma pauperis*.

Second, the court must determine whether the complaint is frivolous or malicious under 28 U.S.C. § 1915(e)(2)(B). In *Neitzke v. Williams*, 490 U.S. 319 (1989), the Supreme Court identified two types of legally frivolous complaints: (1) those based upon indisputably meritless legal theory, and (2) those with factual contentions which clearly are baseless. *Id.* at 327. An example of the first is where a defendant enjoys immunity from suit. *Id.* An example of the second is a claim describing a factual scenario which is fantastic or delusional. *Id.* at 328. In addition, Congress has expanded the scope of § 1915 to require that the court be satisfied that the complaint states a claim upon which relief can be granted before it directs service; if it does not, the action shall be dismissed. 28 U.S.C. § 1915(e)(2)(B)(ii).

A review of Plaintiff's Complaint reveals that it fails to state a claim upon which relief can be granted. It is based on both indisputably meritless legal theory and factual contentions which are at the very least fanciful. The Supreme Court has explained that the “term ‘frivolous,’ when applied to a complaint, embraces not only the inarguable legal conclusion, but also the fanciful factual allegation.” *Neitzke*, 490 U.S. at 325. The Complaint is devoid of any sound basis to infer or assume that any of the named defendants committed an actionable wrong against

Mr. Johnson. It follows that the Complaint is grounded in indisputably meritless legal theory and is otherwise fantastic.

The Plaintiff's Motion to Proceed *in forma pauperis* is hereby GRANTED. The Clerk of Court shall file Plaintiff's Complaint. The Plaintiff's Complaint will be DISMISSED for failure to state a claim. A separate Order, pursuant to Federal Rule of Civil Procedure Rule 58 will follow.

BY THE COURT:



Marilyn J. Horan
United States District Court Judge

cc: Clarence D. Johnson, Jr., pro se
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